

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

FIKRI BAYRAMOGLU,) CASE NO. CV 09-8376-PSG (PJW)
)
Petitioner,)
) ORDER DISMISSING
v.) HABEAS CORPUS PETITION
)
SUPREME COURT OF CALIFORNIA,)
)
Respondent.)

)

Before the Court is a habeas corpus petition, under 28 U.S.C. § 2254, filed by a state prisoner at Chuckawalla Valley State Prison. In it, Petitioner alleges that the California Supreme Court discriminated against him by:

- 20 1. Denying all of the petitions he has filed in the last 30
21 years;
- 22 2. Refusing to allow "confidential correspondence" with the
23 Turkish ambassador; and
- 24 3. Denying his request to be transferred to Turkey to serve the
25 remainder of his sentence.

26 (Petition at 5-6.)

27 A habeas corpus petition is not the proper vehicle for
28 challenging conditions of confinement due to racial or religious

1 discrimination. The purpose of habeas corpus is to attack the
2 legality of a conviction or the length of a sentence. *See Preiser v.*
3 *Rodriguez*, 411 U.S. 475, 487-88 (1973); *Crawford v. Bell*, 599 F.2d
4 890, 891 (9th Cir. 1979).

5 Here, Petitioner's allegations do not implicate the fact or
6 duration of his confinement. A judgment in his favor would not
7 undermine the validity of his conviction or accelerate his release.
8 *See Ramirez v. Galaza*, 334 F.3d 850, 859 (9th Cir. 2003). At most, a
9 favorable judgment would alter the conditions under which he is
10 confined. Because Petitioner's claims are properly construed as
11 claims challenging his conditions of confinement, they are cognizable,
12 if at all, as civil rights claims. For that reason, the Petition is
13 dismissed.

14 The Court has the discretion to construe the Petition as a civil
15 rights action and permit the action to proceed as such. *See*
16 *Wilwording v. Swenson*, 404 U.S. 249, 251 (1971), overruled on other
17 grounds by *Woodward v. Ngo*, 548 U.S. 81 (2006). The Court has
18 considered doing so but elects not to because Petitioner would
19 ultimately be responsible for paying the \$350 filing fee, despite the
20 fact that the action appears frivolous on its face and would likely

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1 be dismissed at a very early stage. Accordingly, the Petition is
2 dismissed.¹

3 IT IS SO ORDERED.

4 DATED: November 23, 2009.

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6 PHILIP S. GUTIERREZ
7 UNITED STATES DISTRICT JUDGE

8 Presented by

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11 PATRICK J. WALSH
12 UNITED STATES MAGISTRATE JUDGE

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28 ¹ If Petitioner wants to file a civil rights action, he may do
so on the attached form.